

President.

SENATOR CROSBY: Thank you, Senator Hall. Senator Lindsay on the Matzke amendment.

SENATOR LINDSAY: Thank you, Madam President, members. I'm like most of you, probably I wasn't listening when Senator Hall spoke so I hope I don't repeat what he... repeat what he says. No, actually my concern is the same as Senator Hall's that he just spoke about and that is the question of usual and customary and what does it mean. And I've got... I... I appreciate and agree with what Senator Matzke's trying to do in the... one of the circumstances that he expressed to me earlier in the day I think is entirely accurate, one of the problems, and that is do we want that lien to cover a bill that's been jacked up to artificially priced. And what Senator Matzke's trying to do is to get so that we have a... a one or a fee that is typical, I guess, their normal fee. The fear I have is that that fee, their normal fee not be an unreasonable fee and in the language that's in the statute now it refers to a reasonable fee, so even if their... even if their customary fee is...they can set that usual and customary fee at something that's unreasonably high and that's a concern that I have with the amendment so I guess I share the concerns that Senator Hall has about whether we will be accomplishing what Senator Matzke intends to accomplish and that's a concern I guess I would ask Senator Matzke to address when he... when he closes again on the bill or on the amendment. Thank you.

SENATOR CROSBY: Thank you, Senator Lindsay. Senator Lin... thank you. Senator Wesely, on the Matzke amendment.

SENATOR WESELY: Thank you, Madam President. I'd like to answer Senator Hall and Senator Lindsay's questions. Perhaps I can help on that. When... usual and customary is a term of art utilized in reimbursement through insurance companies. Medicare utilizes that terminology. Typically, well, I won't get into exactly how it's utilized in that form, but in the form utilized in this amendment if you read it you'll see usual and customary charges of such physician, nurse or hospital applicable at the times services are provided, I assume is the following word. And what... so it's physician-specific, nurse-specific or hospital-specific, so... so, for instance, if we're talking about hospitals, which we're primarily talking about here, they cannot, because somebody's come in and they need to file a lien,